

## **ADVISORY: Recent Department of Defense Changes to the Tuition Assistance Program**

**BACKGROUND:** The Department of Defense (DoD) recently updated its instructions regarding the utilization of Tuition Assistance. In these updated instructions, DoD announced that they will no longer authorize Tuition Assistance for classes for which a member is also receiving benefits under the Montgomery GI Bill – Selected Reserve program (chapter 1606 of title 10, United States Code), Reserve Educational Assistance Program (chapter 1607 of title 10, United States Code), or any other GI Bill program other than the Montgomery GI Bill – Active Duty program (chapter 30 of title 38, United States Code) or the Post-9/11 GI Bill program (chapter 33 of title 38, United States Code). To implement this policy change, DoD required all schools participating in the Tuition Assistance program to sign updated memoranda of understanding stating that the schools will not certify the same class for both Tuition Assistance and chapter 1606 or 1607. As of September 4, 2014, all participating schools have signed such memoranda.

These limitations on the concurrent receipt of both Tuition Assistance and chapter 1606 or 1607 benefits have not yet been replicated in the DoD instructions regarding the administration of chapters 1606 and 1607. Therefore, the Department of Veterans Affairs (VA), which administers the chapter 1606 and 1607 programs based on DoD's instructions, is not technically prohibited from processing claims for 1606 or 1607 even though Tuition Assistance has already been used for the same classes. However, the practical effect of DoD's changes to the Tuition Assistance instructions, and the newly signed memoranda, is that schools should no longer be providing VA with certifications for classes under chapter 1606 or 1607 if the member is also using Tuition Assistance to pay for all or part of the class.

**ACTIONS:** VA Education Liaison Representatives and State Approving Agency personnel will ensure that this information is relayed to School Certifying Officials so that they are advised of the following:

1. From this point forward, School Certifying Officials should not certify any class to VA for benefits under chapter 1606 or 1607 if the member is receiving Tuition Assistance for the class. Since this is a point forward requirement, there is no need to take any action on current or past classes.
2. If any future terms have already been certified for both Tuition Assistance and chapter 1606 or 1607, then the School Certifying Official should decertify those terms for GI Bill benefits.
  - a. The member should be contacted and advised of the limitation on concurrent receipt and be given the opportunity to choose which benefit he or she would prefer to use.
  - b. If the member chooses to continue to use Tuition Assistance, then no further action is required.

- c. If the member chooses to receive chapter 1606 or 1607, then the member needs to contact DoD to discontinue his or her use of Tuition Assistance. Once decertified for Tuition Assistance, the School Certifying Official should recertify these classes for chapter 1606 or 1607 benefits.
- 3. In the future, if a school, through the actions of the Tuition Assistance Administrator and the School Certifying Official (whether those are two separate individuals or one person functioning in both capacities), does certify a class for both Tuition Assistance and chapter 1606 or 1607 benefits, then the school and the Servicemember may be subject to the following DoD actions:
  - a. Censure and possible suspension from the Tuition Assistance program for violations of the memorandum of understanding.
  - b. Debt collection on the Servicemember for the amount of Tuition Assistance paid.
- 4. VA will not establish or collect any debts for the amounts paid under 1606 or 1607 due to concurrent receipt.

**ADDITIONAL INFORMATION:** The School Certifying Official Handbook will be updated to reflect these changes in the near future.